

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

CESAR ARAMBULA,

Defendant.

NO. CR21-107-RSM

**PRELIMINARY
ORDER OF FORFEITURE**

THIS MATTER comes before the Court on the United States' Motion for a Preliminary Order of Forfeiture ("Motion") seeking to forfeit, to the United States, Defendant Cesar Arambula's interest in the following property:

1. \$44,848 in U.S. currency; and
2. a 1968 Chevrolet El Camino.

The Court, having reviewed the United States' Motion, as well as the other papers and pleadings filed in this matter, hereby FINDS that entry of a Preliminary Order of Forfeiture is appropriate because:

- The above-identified property is forfeitable pursuant to 21 U.S.C. § 853(a), as property that constitutes or is derived from proceeds the Defendant obtained, directly or indirectly, or was used to facilitate the Defendant's

1 commission of Conspiracy to Distribute Controlled Substances, in violation
 2 of 21 U.S.C. §§ 841(a)(1), (b)(1)(B), and 846; and,

- 3 • Pursuant to the Plea Agreement he entered on December 8, 2022, the
 4 Defendant agreed to forfeit the above-identified property, which is subject to
 5 forfeiture pursuant 21 U.S.C. § 853(a). Dkt. No. 119, ¶¶ 8, 12.

6 NOW, THEREFORE, THE COURT ORDERS:

7 1. Pursuant to 21 U.S.C. § 853(a), and his Plea Agreement, the Defendant's
 8 interest in the above-identified property is fully and finally forfeited, in its entirety, to the
 9 United States;

10 2. Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)-(B), this Preliminary Order will
 11 be final as to the Defendant at the time he is sentenced, it will be made part of the
 12 sentence, and it will be included in the judgment;

13 3. The United States Department of Justice, the Federal Bureau of
 14 Investigation, and/or their authorized agents or representatives, shall maintain the above-
 15 identified property in its custody and control until further order of this Court;

16 4. Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the
 17 United States shall publish notice of this Preliminary Order and its intent to dispose of the
 18 property as permitted by governing law. The notice shall be posted on an official
 19 government website—www.forfeiture.gov—for at least thirty (30) days. For any person
 20 known to have alleged an interest in the property, the United States shall also, to the
 21 extent possible, provide direct written notice to that person. The notice shall state that any
 22 person, other than the Defendant, who has or claims a legal interest in the above
 23 identified property must file a petition with the Court within sixty (60) days of the first
 24 day of publication of the notice (which is thirty (30) days from the last day of
 25 publication), or within thirty (30) days of receipt of direct written notice, whichever is
 26 earlier. The notice shall advise all interested persons that the petition:
 27

- a. shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property;
- b. shall be signed by the petitioner under penalty of perjury; and
- c. shall set forth the nature and extent of the petitioner's right, title, or interest in the property, as well as any facts supporting the petitioner's claim and the specific relief sought.

5. If no third-party petition is filed within the allowable time period, the United States shall have clear title to the property, and this Preliminary Order shall become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2);

6. If a third-party petition is filed, upon a showing that discovery is necessary to resolve factual issues presented by that petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure before any hearing on the petition is held. Following adjudication of any third-party petitions, the Court will enter a Final Order of Forfeiture, pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n), reflecting that adjudication; and

7. The Court will retain jurisdiction for the purpose of enforcing this Preliminary Order, adjudicating any third-party petitions, entering a Final Order of Forfeiture, and amending the Preliminary Order or Final Order as necessary pursuant to Fed. R. Crim. P. 32.2(e).

IT IS SO ORDERED.

DATED this 3rd day of January, 2023.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

1 Presented by:
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3

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